

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RANDY HAYNES,)	
)	4:05cv3169
Plaintiff,)	
)	MEMORANDUM AND ORDER
vs.)	
)	
ASARCO,)	
)	
Defendant.)	

This matter is before the court on filing no. 8, the Motion for Leave to Proceed In Forma Pauperis ("IFP") on Appeal filed by the plaintiff, Randy Haynes; and filing no. 10, the plaintiff's Motion for Leave to Withdraw Appeal. Filing no. 10, the plaintiff's Motion for Leave to Withdraw Appeal is granted, and filing no. 8, the Motion for Leave to Proceed IFP is denied as moot. Because the plaintiff acted promptly to withdraw his appeal before the court acted on his IFP motion, the plaintiff has not incurred liability for the appellate filing fee.

SO ORDERED.

DATED this 9th day of August, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge